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STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

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**Testimony of  
DAWN N. S. CHANG  
Chairperson**

**Before the Senate Committee on  
COMMERCE AND CONSUMER PROTECTION**

**Tuesday, February 28, 2023  
9:50 A.M.  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 1263, SENATE DRAFT 1  
RELATING TO COMMERCIAL OCEAN RECREATION**

Senate Bill 1263, Senate Draft 1 proposes to require commercial ocean operators who take customers into state waters to engage in recreational activities to have at least one individual aboard the vessel who is rescue diver or lifeguard certified by a nationally recognized certification organization; and require vessels that transport customers for the purpose of engaging in an activity in state ocean waters to have a backboard, emergency oxygen, and an automated external defibrillator onboard included in its onboard safety equipment. **The Department of Land and Natural Resources (Department) respectfully opposes this measure because of potential liability to the State and jurisdictional issues with federal regulations.**

While the Department acknowledges the importance of customer safety measures, the United States Coast Guard (USCG) is the appropriate entity to consider and implement the requirements proposed by this measure. USCG already requires a comprehensive list of safety requirements for documented commercial vessels and commercial operators. Additionally, SCUBA diving instructors and tour operators are required to meet Professional Association of Diving Instructor/National Association of Underwater Instructor standards.

The Department believes that USCG, not the State, should be the authority to implement new safety measures and that the requirements proposed in this measure are not necessary because of the USCG requirements currently in existence.

Mahalo for the opportunity to testify on this measure.

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

LAURA H.E. KAAKUA  
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